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OF COUNSEL

August 15, 2008
Via Fax (914) 390-4179

Hon. Stephen C. Robinson
United States District Court
300 Quarropas Street
Room 633
White Plains, New York 10601-4150

Re: Ehrlich v. Gatta
07 CV 11597 (SCR)(GAY)

MEMO ENDORSED

Dear Judge Robinson:

I just received the Court's endorsed memo with respect to Plaintiff's request for permission to file its opposition to Defendants' motion to dismiss the complaint in the above matter. First, I never received a copy of Mr. Barrish's letter and, hence, did not have an opportunity to comment on the same. Second, returning from appointments early this afternoon, I noted that Mr. Barrish had left a message, apparently after the close of business yesterday, without indicating that he was seeking the relief requested in the letter which I did not receive.

I note that when we appeared before the Court on May 30, 2008, the Court directed that Defendants make their motion by June 20, 2008 and that Plaintiff provide his opposition by June 30, a date suggested by Plaintiff's counsel. Defendants timely moved in accordance with the Court's directive. The time for Plaintiff's opposition came and went without any opposition having been filed. On July 22, 2008, three weeks after Plaintiff was required to serve his opposition, Plaintiff's counsel requested that the Court extend his time to file opposition papers to July 24, 2008. Again, July 24, 2008 passed without the filing of papers, an application to the Court for an extension or any communication regarding the second default.

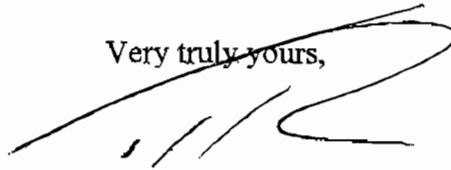
Finally, despite the passage of an additional three weeks, Plaintiff has sought a further extension without the communication to the Court having been provided to me. Although I always endeavor to accommodate the requests of counsel that are experiencing difficulties, no such request was even made of me.

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Pursuant to the Court's memorandum order, Plaintiff must file its opposition by August 15. I have a full schedule of commitments next week and the week beginning September 1, will be on vacation the week of August 25 and have numerous motions/briefs due in September. Consequently, in order to provide an ample time to respond, I request that Defendants be permitted to file their reply on or before September 29, 2008.

Thank you for your consideration.

Very truly yours,



Terry Rice

TR-wp-0815/101-102
cc: W. Barish (914) 285-1291

APPLICATION GRANTED

Stephen C Robinson

8/20/08

HON. STEPHEN C. ROBINSION